

Public Law 96-479
96th Congress

An Act

To provide for a national policy for materials and to strengthen the materials research, development, production capability, and performance of the United States, and for other purposes.

Oct. 21, 1980

[H.R. 2743]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Materials and Minerals Policy, Research and Development Act of 1980".

National
Materials and
Minerals Policy,
Research and
Development
Act of 1980.
30 USC 1601
note.
30 USC 1601.

FINDINGS

SEC. 2. (a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and

(7) notwithstanding the enactment of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a), the United States does not have a coherent national materials and minerals policy.

(b) As used in this Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the industrial, military, and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal or substitution, with the exclusion of food and of energy fuels used as such.

"Materials."

DECLARATION OF POLICY

SEC. 3. The Congress declares that it is the continuing policy of the United States to promote an adequate and stable supply of materials

30 USC 1602.

necessary to maintain national security, economic well-being and industrial production with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. The Congress further declares that implementation of this policy requires that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies to, among other measures—

(1) identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;

(2) establish a mechanism for the coordination and evaluation of Federal materials programs, including those involving research and development so as to complement related efforts by the private sector as well as other domestic and international agencies and organizations;

(3) establish a long-range assessment capability concerning materials demands, supply and needs, and provide for the policies and programs necessary to meet those needs;

(4) promote a vigorous, comprehensive, and coordinated program of materials research and development consistent with the policies and priorities set forth in the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.);

(5) promote cooperative research and development programs with other nations for the equitable and frugal use of materials and energy;

(6) promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and

(7) encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs.

IMPLEMENTATION OF POLICY

30 USC 1603.

SEC. 4. For the purpose of implementing the policies set forth in section 3 and the provisions of section 5 of this Act, the Congress declares that the President shall, through the Executive Office of the President, coordinate the responsible departments and agencies, and shall—

(1) direct that the responsible departments and agencies identify, assist, and make recommendations for carrying out appropriate policies and programs to ensure adequate, stable, and economical materials supplies essential to national security, economic well-being, and industrial production;

(2) support basic and applied research and development to provide for, among other objectives—

(A) advanced science and technology for the exploration, discovery, and recovery of nonfuel materials;

(B) enhanced methods or processes for the more efficient production and use of renewable and nonrenewable resources;

(C) improved methods for the extraction, processing, use, recovery, and recycling of materials which encourage the conservation of materials, energy, and the environment; and

(D) improved understanding of current and new materials performance, processing, substitution, and adaptability in engineering designs;

(3) provide for improved collection, analysis, and dissemination of scientific, technical and economic materials information and data from Federal, State, and local governments and other sources as appropriate;

(4) assess the need for and make recommendations concerning the availability and adequacy of supply of technically trained personnel necessary for materials research, development, extraction, harvest and industrial practice, paying particular regard to the problem of attracting and maintaining high quality materials professionals in the Federal service;

(5) establish early warning systems for materials supply problems;

(6) recommend to the Congress appropriate measures to promote industrial innovation in materials and materials technologies;

(7) encourage cooperative materials research and problem-solving by—

(A) private corporations performing the same or related activities in materials industries; and

(B) Federal and State institutions having shared interests or objectives;

(8) assess Federal policies which adversely or positively affect all stages of the materials cycle, from exploration to final product recycling and disposal including but not limited to, financial assistance and tax policies for recycled and virgin sources of materials and make recommendations for equalizing any existing imbalances, or removing any impediments, which may be created by the application of Federal law and regulations to the market for materials; and

(9) assess the opportunities for the United States to promote cooperative multilateral and bilateral agreements for materials development in foreign nations for the purpose of increasing the reliability of materials supplies to the Nation.

PROGRAM PLAN AND REPORT TO CONGRESS

SEC. 5. (a) Within 1 year after the date of enactment of this Act, the President shall submit to the Congress— 30 USC 1604.

(1) a program plan to implement such existing or prospective proposals and organizational structures within the executive branch as he finds necessary to carry out the provisions set forth in sections 3 and 4 of this Act. The plan shall include program and budget proposals and organizational structures providing for the following minimum elements:

(A) policy analysis and decision determination within the Executive Office of the President;

(B) continuing long-range analysis of materials use to meet national security, economic, industrial and social needs; the adequacy and stability of supplies; and the industrial and economic implications of supply shortages or disruptions;

(C) continuing private sector consultation in Federal materials programs; and

(D) interagency coordination at the level of the President's Cabinet;

(2) recommendations for the collection, analysis, and dissemination of information concerning domestic and international long-range materials demand, supply and needs, including con-

sideration of the establishment of a separate materials information agency patterned after the Bureau of Labor Statistics; and

(3) recommendations for legislation and administrative initiatives necessary to reconcile policy conflicts and to establish programs and institutional structures necessary to achieve the goals of a national materials policy.

(b) In accordance with the provisions of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), the Director of the Office of Science and Technology Policy shall:

(1) through the Federal Coordinating Council for Science, Engineering, and Technology coordinate Federal materials research and development and related activities in accordance with the policies and objectives established in this Act;

(2) place special emphasis on the long-range assessment of national materials needs related to scientific and technological concerns and the research and development, Federal and private, necessary to meet those needs; and

(3) prepare an assessment of national materials needs related to scientific and technological changes over the next five years. Such assessment shall be revised on an annual basis. Where possible, the Director shall extend the assessment in 10- and 25-year increments over the whole expected lifetime of such needs and technologies.

(c) The Secretary of Commerce, in consultation with the Federal Emergency Management Administration, the Secretary of the Interior, the Secretary of Defense, the Director of the Central Intelligence Agency, and such other members of the Cabinet as may be appropriate shall—

(1) within 3 months after the date of enactment of this Act, identify and submit to the Congress a specific materials needs case related to national security, economic well-being and industrial production which will be the subject of the report required by paragraph (2) of this subsection;

(2) within 1 year after the date of enactment of this Act, submit to the Congress a report which assesses critical materials needs in the case identified in paragraph (1) of this subsection, and which recommends programs that would assist in meeting such needs, including an assessment of economic stockpiles; and

(3) continually thereafter identify and assess additional cases, as necessary, to ensure an adequate and stable supply of materials to meet national security, economic well-being and industrial production needs.

(d) The Secretary of Defense, together with such other members of the Cabinet as are deemed necessary by the President, shall prepare a report assessing critical materials needs related to national security and identifying the steps necessary to meet those needs. The report shall include an assessment of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), and the Strategic and Critical Materials Stock Piling Act (50 U.S.C. App. 98 et seq.). Such report shall be made available to the Congress within 1 year after enactment of this Act and shall be revised periodically as deemed necessary.

(e) The Secretary of the Interior shall promptly initiate actions to—

(1) improve the capacity of the Bureau of Mines to assess international minerals supplies;

(2) increase the level of mining and metallurgical research by the Bureau of Mines in critical and strategic minerals; and

(3) improve the availability and analysis of mineral data in Federal land use decisionmaking.

A report summarizing actions required by this subsection shall be made available to the Congress within 1 year after the enactment of this Act.

(f) In furtherance of the policies of this Act, the Secretary of the Interior shall collect, evaluate, and analyze information concerning mineral occurrence, production, and use from industry, academia, and Federal and State agencies. Notwithstanding the provisions of section 552 of title 5, United States Code, data and information provided to the Department by persons or firms engaged in any phase of mineral or mineral-material production or large-scale consumption shall not be disclosed outside of the Department of the Interior in a nonaggregated form so as to disclose data and information supplied by a single person or firm, unless there is no objection to the disclosure of such data and information by the donor: *Provided, however,* That the Secretary may disclose nonaggregated data and information to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

Nonaggregate
data, disclosure.

THE MINING AND MINERALS POLICY ACT OF 1970

SEC. 6. Nothing in this Act shall be interpreted as changing in any manner or degree the provisions of and requirements of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a). For the purposes of achieving the objectives set forth in section 3 of this Act, the Congress declares that the President shall direct (1) the Secretary of the Interior to act immediately within the Department's statutory authority to attain the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) and (2) the Executive Office of the President to act immediately to promote the goals contained in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) among the various departments and agencies.

30 USC 1605.

SEC. 7. Section 1001(a) of title X of the Act of November 3, 1978 (Public Law 95-586), is revised to read as follows:

Geothermal
resources,
conveyance to
Boise, Idaho.

"SEC. 1001. (a) The Congress hereby authorizes and directs that the rights to the geothermal resources, including minerals present in the geothermal fluid, presently vested in the United States of America in real property designated as Tract 37, located in sections 2 and 11, township 3 north, range 2 east, Boise meridian, Idaho, containing 4.13 acres more or less;

"Tract 38, located in sections 1, 2, 11, and 12, township 3 north, range 2 east, Boise meridian, Idaho, containing 449.16 acres more or less;

"Unofficial tract 39, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows: from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds, east, 1,705.44 feet, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet to the southeast corner of tract 39 and point of beginning, thence north 25 degrees 28 minutes west, 660.0 feet, thence north 69 degrees 47 minutes west, 933.24 feet, thence south 26 degrees 24 minutes east, 544.50 feet, thence south 57 degrees 26 minutes east, 240.24 feet, thence north 64 degrees 32 minutes east, 795.30 feet and point of beginning, containing 14.644 acres more or less;

"Unofficial tract 40, located in section 11, township 3 north, range 2 east, Boise meridian, Idaho, described as follows: from the corner of sections 2, 3, 10, and 11, south 84 degrees 44 minutes east, 905.7 feet to the northwest corner of tract 40 and point of beginning, thence south

22 degrees 40 minutes east, 593.75 feet, thence north 84 degrees 45 minutes east, 940.20 feet, thence north 16 degrees 15 minutes west, 315.2 feet, thence north 87 degrees 45 minutes west, 516.6 feet, thence south 68 degrees 14 minutes west, 141.3 feet and point of beginning, containing 4.95 acres more or less;

"Unofficial tract 44, located in section 2, township 3 north, range 2 east, Boise meridian, Idaho, described as follows: from the corner of sections 2, 3, 10 and 11, north 76 degrees 26 minutes 17 seconds east, 1,705.44 feet to the southwest corner of tract 44 and point of beginning, thence north 60 degrees 08 minutes east, 593.41 feet, thence north 25 degrees 28 minutes west, 911.46 feet, thence south 64 degrees 32 minutes west, 795.30 feet, thence south 67 degrees 21 minutes east, 373.03 feet, thence north 58 degrees 18 minutes east, 264.53 feet, thence south 74 degrees 02 minutes east, 154.31 feet, thence south 14 degrees 50 minutes west, 585.02 feet, thence south 9 degrees 31 minutes east, 165.79 feet and point of beginning, containing 9.94 acres more or less; be transferred by the Secretary of the Interior in fee to the city of Boise upon payment by the city of Boise of the fair market value, as determined by the Secretary, of the rights conveyed."

SEC. 8. Title X of the Act of November 3, 1978, is further amended by adding a new section 1003 to read as follows:

"SEC. 1003. The Secretary of the Interior, through the Bureau of Land Management, is authorized to utilize geothermal resources found under the parcel known as the Boise District Office Site, described as commencing at the southwest corner of the Old Fort Boise Military Reservation, thence north 70 degrees 0 minutes east, 1,448.2 feet; thence north 4 degrees 32 minutes east, 627 feet to the true point of beginning; thence the following courses and distances: south 87 degrees 8 minutes west, 696.5 feet; thence north 21 degrees 2 minutes west, 532 feet; thence south 69 degrees 4 minutes west, 21.9 feet; thence north 22 degrees 40 minutes west, 86.3 feet; thence north 84 degrees 50 minutes east, 993.6 feet; thence south 4 degrees 32 minutes west, 624.95 feet to the point of beginning; consisting of 11.53 acres, more or less, contained in section 11, township 3 north, range 2 east, Boise meridian, Idaho."

Boise District
Office Site,
geothermal
resources
utilization.

Approved October 21, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-672 (Comm. on Science and Technology).

SENATE REPORTS: No. 96-897 (Comm. on Commerce, Science, and Transportation) and No. 96-937 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Dec. 3, 4, considered and passed House.

Vol. 126 (1980): Oct. 1, considered and passed Senate, amended.

Oct. 2, House concurred in Senate amendments.